

HAMILTON COUNTY BOARD OF COMMISSIONERS
DECEMBER 8, 2003

The Hamilton County Board of Commissioners met on Monday, December 8, 2003 in the Commissioner's Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session at 1:00 pm in Conference Room 1A. President Holt called the public meeting to order at 2:00 pm. A quorum was declared present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

Approval of Minutes: [2:13:56]

Altman motioned to approve the November 24, 2003 minutes. Dillinger seconded. Motion carried unanimously.

Executive Session Memoranda:

Dillinger motioned to approve the Executive Session Memorandums for December 2, 2003 and December 8, 2003.

Altman seconded. Motion carried unanimously.

Plat Approvals [2:14:16]

North Augusta, Replat Lot #13:

Westwood Estates, Section 1:

Mr. Steve Broermann presented plats for North Augusta, Replat Lot #13 and Westwood Estates, Section 1 for approval.

Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Highway Business [2:15:20]

Road Cut Permits:

Mr. Jim Neal requested approval of Open Road Cut Permit (1): RDCUT 2003-046 - Grade A Excavating, Inc. at 104th Street, 2,100' east of Olio Road to replace two existing 30" CMP. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Highway Department:

Mr. Neal requested acceptance of Bonds and Letters of Credit for the Highway Department. 1) HCHD #B-95-0016 - Fidelity and Deposit Company Continuation Certificate of Annual Bond No. 30670460 issued on behalf of Swinney Brothers Excavating Inc. in the sum of \$25,000 to now expire January 30, 2004. 2) HCHD #B-03-0159 - Ohio Farmers Insurance Company Maintenance Bond No. 471055 issued on behalf of Shelly & Sands, Inc. in the sum of \$17,147.60 for Shelborne Park Section 2 stone base and asphalt paving to expire October 27, 2006. 3) HCHD#B-03-0160 - Ohio Farmers Insurance Company Maintenance Bond No. 471054 issued on behalf of Shelly & Sands Inc. in the sum of \$29,081.40 for Shelborne Park Section 1 stone base and asphalt paving to expire October 27, 2006. 4) HCHD #B-03-0161 - Fidelity and Deposit Company Maintenance Bond No. 08667149 issued on behalf of The Snider Group, Inc. in the sum of \$8,940 for concrete curbs in Westwood Estates to expire November 18, 2006. 5) HCHD #B-03-0162 - Fidelity and Deposit Company Maintenance Bond No. 08667150 issued on behalf of The Snider Group, Inc. in the sum of \$33,270 for asphalt paving at Westwood Estates to expire November 18, 2006. 6) HCHD #B-03-0163 - Fidelity and Deposit Company Maintenance Bond No. 08693051 issued on behalf of The Snider Group, Inc. in the sum of \$1,970 for common area walks at Westwood Estates to expire November 18, 2006. 7) HCHD #B-03-0164 - Liberty Mutual Insurance Company Permit Bond No. 285-019-165 issued on behalf of Matt Whitaker dba Matt Whitaker in the sum of \$5,000 to expire October 30, 2004. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit - Highway Department: [2:16:20]

Mr. Neal requested release of Bonds and Letters of Credit for the Highway Department. 1) HCHD #B-02-0139 - Gulf Insurance Company Bond No. B21869624 for Permit WKROW-2002-288 issued on behalf of Northside Investments LLC for Long Branch Estates for irrigation. 2) HCHD #B-02-0140 - Gulf Insurance Company Permit Bond No. B21869623 for Permit WKROW-2002-278 issued on behalf of Northside Investments LLC for Long Branch Estates for street lights. 3) HCHD #B-01-0091 - Fidelity and Deposit Company Bond No. 0805129 issued on behalf of Brenwick TND Communities for Springmill Villages - The Crossings, Sec. 5b - asphalt paving and curbs. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Agreements [2:16:47]

Bridge #193 Supplemental Agreement No. 1:

Mr. Neal requested approval of Supplemental Agreement No. 1, HCHD #E-03-0007, with USI Consultants, Inc. for replacement of Bridge #193, 113th Street over Thorpe Creek. Supplement is in the amount of \$54,510.00 for a new not to exceed of \$127,475.00. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Acceptance of Streets [2:17:39]

Westwood Estates Subdivision:

Mr. Neal requested acceptance of streets for the Westwood Estates Subdivision for a total of 0.62 miles. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Concurrence with Traffic Study Correspondence: [2:18:28]

Mr. Neal requested concurrence with the list of correspondence concerning investigations of requests for signage on Hamilton County Roads. Altman asked if we ever post "No Parking" on one side of the street or the other? Mr. Neal stated the pavement is 23' wide, as a general rule we do not post one side or the other. 23' with 2' of curb on each side so you have 27' which is adequate, so if someone parks on both sides you can still get through. Altman stated the decrease in the pavement size was not going to decrease if you have parking on both sides? Mr. Neal stated you can still get through. Altman asked if there is any recourse that a homeowner has if a commercial vehicle is parking? Is it a zoning issue? Mr. Neal stated this was one of the homeowner's work vehicle and the rest of the homeowners do not like it being parked there. It is a neighborhood covenant issue. Altman motioned to approve the correspondence. Dillinger seconded. Motion carried unanimously.

Official Actions [2:20:20]

Westwood Estates Subdivision - Regulatory Signs:

Mr. Neal requested approval of the official action to install regulatory signs within Westwood Estates Subdivision. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Award of Bids: [2:20:41]

Bridge #193, 113th Street over Thorpe Creek:

Mr. Neal requested approval of the bid award for Bridge #193, 113th Street over Thorpe Creek to Duncan Robertson, Inc. as the lowest responsive bidder in the amount of \$572,846.09. This was an emergency project. Quotes were opened on December 4, 2003 at the Highway Department with all contractors present. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Small Structure #21061:

Mr. Neal requested approval of the bid award for replacement of Small Structure #21061 on Eagle Creek Avenue over Little Eagle Creek, to Duncan Robertson as the lowest responsive bidder in the amount of \$198,287.77. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

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SR 19:

Mr. Brad Davis stated SR 19 may be open this week. Holt asked Mr. Davis to inform the Commissioners when he knows it will open.

Commissioner's Conference:

Altman stated she appreciated seeing highway staff in attendance at the Commissioner's Conference.

Gwinn Road Right of Way: [2:22:50]

Holt stated Gwinn Road south of the new bridge project, north of 256th Street - Hamilton County bought right of way and on the right of way on the left side of the road there is a lane that accessed a farm field which has eroded away due to some flooding. The landowner, Scott Pletch, who utilizes the access road can not get to his ground. Holt asked the Highway Department to look in to it.

Village of West Clay Builder Identification Plaque: [2:24:01]

Mr. Keith Lash, Brenwick Development, stated William Gordon Group has designed a bronze plaque that they would like to install in the public sidewalks in front of homes in Village of West Clay to celebrate the architecture of the homes. They are 6" discs which identify the builder and the year the home was built. Both Brenwick and the Village of West Clay's Architects Review Board have approved the concept of installing the plaques. We would encourage other builders to participate in this project. They would be installed by core drilling the sidewalk after it is poured and mortaring them in place flush with grade so it will not create a trip hazard or jeopardize the integrity of the sidewalk. Cost is not an issue for the builders. Knowing that annexation is looming for western Clay Township they have contacted the City of Carmel's engineer's office and they do not object to this installation. Mr. Neal stated there may be a possible maintenance issue if they are not installed correctly and they pop out and then we have a void in the sidewalk. It is advertising in the right of way, which is prohibited. Mike Howard asked if maintenance of sidewalks a duty imposed on the property owners association under the covenants? Mr. Lash stated it is not, it is up to the individual homeowner. We would request that the builders get acknowledgment from the homeowners that they recognize this installation will occur and they would agree to maintain it. The largest maintenance item would be the freeze/thaw effect where the brass plate may pop out. The maintenance of that would be to remove it in its entirety, redoing the mortar and setting it in place. It should be a minor maintenance item. Altman asked if the homeowners are signing off in writing that they want that in the sidewalk in front of their house? Mr. Lash stated yes, we would get that in writing. Mr. John Mosle stated he is from Brenwick and he is also on the Architectural Review Board and reviews all the homeowner's plans. This plaque also came to him, from the esthetics standpoint Brenwick whole heartily approved it. Mr. Lash stated some of these plaques have been installed. We have requested that Bill Brosius contact those homeowners and get an acknowledgment. He is including it in his contracts for the new home sales. Anybody that objects would not have a plaque. Mr. Steve Broermann stated he has spoke to Kathy Burrows, a resident of Village of West Clay, and she is not opposed to the installation of the plaques but she was opposed to the process, she came home and it was in her sidewalk. Dillinger motioned to approve. Altman seconded with an amendment that our approval is subject to homeowners written approval of it being in the sidewalk, prior to installation or prior to them taking title. Dillinger accepted the amendment. Motion carried unanimously.

Commissioner Committee Reports [2:32:50]

Washington Lobbyist:

Altman stated she has negotiated a contract, it is not executed or drawn yet, with our consultants in Washington, D.C. that we will continue on with the agreement with the county rate at \$2,500 per month from June 1, 2003 thru May 31, 2004. Noblesville will participate and be responsible for payment directly to the consultant at \$2,000 per month. The Port Authority has agreed to take Fishers place at \$2,000. The Port Authority has cash flow difficulty with timing of their monies. Altman proposed to the extent we can is that Hamilton County go ahead on the first date that payments can be made to pay the contract amount on the \$2,500 per month and we will include in the contract that the Port Authority would pick-up as their cash flow improves, which is anticipated to be March 1, 2004. She has discussed this with a City of Noblesville Council member who indicated it would not be a problem for Noblesville to pick up their prior 2003 and begin their monthly payments on a normal course. Altman would like a resolution to proceed with the contract and encumber the appropriation for reimbursable travel expense in case we have to go out to Washington for the TEA 21 Bill. Altman motioned to encumber the balance of approximately \$43,000 for those contract terms and execute the 2003/2004 contract as soon as we have it in written form. Dillinger seconded. Motion carried unanimously.

Smoking in Historic Courthouse: [2:35:50]

Altman stated we have received another letter from the Auditor regarding smoking in the Historic Courthouse and how it is drifting up to the first floor offices. If it is affecting the workability in the office within the Historic Courthouse she would motion that we discontinue that smoking area in the Historic Courthouse. Dillinger seconded. Motion carried unanimously.

Mental Health Providers:

Altman asked Mike Howard what our status is on the mental health providers, giving notice that we want to disperse monies within the county based upon service? Mr. Howard will check on it.

Homeland Security Grant:

Altman stated she will be spending significant time on a Homeland Security Grant that is tentatively made available to Hamilton and Marion Counties for urban security purposes. She will be working with SEMA, our Sheriff and the EMA Committee.

Disability Benefit: [2:37:48]

Sheena Randall requested approval to amend our Section 125 of the Hamilton County Employee Benefit Plan. This amendment will begin January 1, 2004 to permit employees the option to enroll on an after tax basis for disability benefits. The current premium is \$6.21 per pay. She ran a calculation of prior claims from January 1st thru last Wednesday and divided it by 27 pay periods and the new amount is \$5.22 per pay. It is fully paid by the employees. Mike Howard stated for clarification purposes not withstanding what was said at the last meeting, he presumes the motion would be that the premium would be taxable, the benefit would be non-taxable and that there would be no election by employees as to the taxability of the premium. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Upper White River Watershed Alliance: [2:30:29]

Holt stated the Upper White River Watershed Alliance had their annual meeting and he was re-elected to the Board. One of the presentations was a grant to IUPUI for a study of the Geist, Morse and Eagle Creek watersheds that gets into a level of detail that has never been done before. It is being funded by US Filter. It will be a 5 year operation that has to do with water quality. They are getting advice from another US Filter company in Germany that has a similar watershed to Indianapolis and there is another US Filter Company in Australia that has similar reservoir infrastructure to Indianapolis. They have experts going between these 3 locations to decide what kind of improvements can be done to the watersheds.

Attorney [2:41:33]

Ordinance 11-24-03-A, 911 Amendment:

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Mr. Howard stated at the last meeting we introduced Ordinance 11-24-03-A, An Ordinance Requiring E-911 Coordination Review and Comment with Local Jurisdictions that Retain Street and Subdivision Naming Authority within Hamilton County. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Quit-Claim Deed - Inlow:

Mr. Howard requested approval of a Quit-Claim Deed quit-claiming certain right of way to Anita C. Inlow along Ditch Road in Clay Township. Ms. Inlow will be conveying right of way back to us. This is the final piece of right of way to begin construction of the 116th Street and Ditch project. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Ordinance 12-8-03-B, Establishing an Employee Withholding Fund:

Mr. Howard presented Ordinance 12-8-03-B, Establishing an Employee Withholding Fund. This ordinance is at the request of the Auditor to assist the Payroll Department in clarifying for audit purposes the flow of funds from child support withholding and garnishments. The only funds that will go in to the fund are the funds that are deducted from an employee's pay pursuant to Court Order. The funds will be dispersed to the appropriate Clerk as payee. There will be no interest in the fund and will not require appropriation. It will be effective January 1, 2004. Altman motioned to suspend the rules to consider and possibly adopt the Ordinance on first reading. Dillinger seconded. Motion carried unanimously. Dillinger motioned to approve Ordinance 12-8-03-B. Altman seconded. Motion carried unanimously.

Ordinance 12-8-03-A, Electronic Equipment:

Mr. Howard presented Ordinance 12-8-03-A, An Ordinance Concerning Electronic Equipment and Amending Employee Handbook. This ordinance reflects the fact that as of December 1, 2003 most employees can access this building with their ID Badges and electronic readers. This substantially reduces the number of exterior keys which are outstanding which enhances security and reduces costs of lost and replaced keys. Altman motioned to suspend the rules to consider adoption of Ordinance 12-8-03-A on first reading. Holt seconded. Altman and Holt approved. Dillinger opposed. Motion denied. Altman motioned to introduce Ordinance 12-8-03-A for first reading. Holt seconded. Altman and Holt approved. Dillinger opposed. Motion carries.

Key Disbursement List:

Altman motioned to approve the Key Disbursement List. Holt seconded. Altman and Holt approved. Dillinger opposed. Motion carries.

Administrative Assistant [2:47:23]

Hamilton Southeastern Schools Wage Determination Appointment:

Mr. Fred Swift stated Hamilton Southeastern Schools has requested the appointment of Arthur Levine to a Wage Determination Board. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Airport Picture:

Mr. Swift suggested the airport picture be hung on the south wall of the Commissioner's Courtroom. The Commissioners agreed.

Altman asked if we have found a place for the furniture stored at the Sheriff's Department? Mr. Swift stated the Highway Department's paint shop is the best option for the cabinets. The Clerk's office will take care of the other items. Mr. Davis will check in to it.

Directory:

Altman stated in August, Fred brought to the Commissioners a directory that would be commercially produced that would have government information in it. We were asked to write a letter in support of the directory. We made it very clear that this publication was not a publication of this county or endorsed by the Commissioners. This is not our publication and we do not endorse it and we are not suggesting to advertisers that they should advertise in that publication. We just gave permission for them to use county information in that publication.

Auditor [2:52:53]

Treasurer's Monthly Report:

Ms. Robin Mills presented the October Monthly Report from the County Treasurer for approval. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Drainage Board:

Ms. Mills requested acceptance of Bonds and Letters of Credit for the Drainage Board. 1) HCDB-2003-00087 - Bond Safeguard Insurance Company Subdivision Bond No. 5006806 for the reconstruction of the Bliss-Johnson Drain thru the Conner Crossing Development - \$291,621.00.

Vendor Claims:

Ms. Mills requested approval of Vendor Claims for payment December 9, 2003. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Payroll Claims:

Ms. Mills requested approval of Payroll Claims for the period of November 10-23, 2003 paid on December 5, 2003. Dillinger motioned to adjourn. Altman seconded. Motion carried unanimously.

Commissioners Correspondence

Smoking in Workplace Letter from Robin Mills

Hamilton County Cemetery Commission Annual Report

Beam Longest & Neff Notice of Transmittal:

Bridge No. 257, Lantern Road over Shoemaker Ditch

Bridge No. 257 Section 401 Water Quality Certification Notification Form

INDOT Notice of Intent on Proposed State Route Improvement:

Northeast Corridor Connections Study

IDEM Notice of Sewer Permit:

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The Intracoastal at Geist, Section 4A - Fishers
IDEM Notice of Appeal Rights:
Village of Towne Pointe - Carmel
Certificate of Liability Insurance:
Schwartz’s Trailer Sales
Robert Irsay Charity Pavilion

Present
Christine Altman, Commissioner
Steven C. Dillinger, Commissioner
Steven A. Holt, Commissioner
Robin M. Mills, Auditor
Kim Rauch, Administrative Assistant to Auditor
Fred Swift, Administrative Assistant to Commissioners
Michael A. Howard, Attorney
Doug Carter, Sheriff
Brad Davis, Highway Director
Jim Neal, Highway Engineer
Virginia Hughes, Administrative Assistant to Highway Engineer
Dave Lucas, Highway Inspector
Robert Chadwell, Highway Inspector
Steve Broermann, Highway Technical Engineer
Christopher Burt, Highway Staff Engineer
Tim Knapp, Highway Right-of-Way Specialist
Joel Thurman, Highway Project Engineer
Matt Knight, Highway Staff Engineer
Mike McBride, Small Structure Staff Engineer
Faraz Hahn, Highway Department
Kathy Howard, Highway Department
Floyd Burroughs, FEBA
Becki Wise, USI
George Piper, Daily Times
Diana Lamirand, Noblesville Ledger
Keith Lash, Brenwick Development
John Mosle, Brenwick Development

APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST:

Robin M. Mills, Auditor